

In re Patent Application of  
**GRIFFIN**  
Serial No. 10/784,858  
Filed: **FEBRUARY 23, 2004**

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**In the Claims:**

This listing of claims replaces all prior versions and listing of claims in the application.

1. (Currently amended) A cellular communications system comprising:

a plurality of mobile cellular communications devices each associated with a respective user;

at least one cellular base station for wirelessly communicating with said plurality of mobile cellular communications devices, said at least one cellular base station having a capacity associated therewith;

a central station for determining available capacity of said at least one cellular base station based upon active wireless communications with said mobile cellular communications devices; and

a subscription server for cooperating with said central station to provide non-real time subscription data to users on respective mobile cellular communications devices via said at least one cellular base station when the determined available capacity thereof is greater than a threshold;

said subscription server cooperating with said central station to discontinue providing subscription data to respective mobile cellular communications devices based upon initiation of telephone calls.

In re Patent Application of  
**GRIFFIN**  
Serial No. 10/784,858  
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2. (Original) The cellular communications system of Claim 1 wherein said subscription server cooperates with said central station to discontinue providing subscription data when the determined available capacity falls below the threshold.

3. (Cancelled).

4. (Original) The cellular communications system of Claim 1 wherein said central station maintains accounts for respective users; wherein said central station charges user accounts differently for providing wireless voice communications and non-real time subscription data.

5. (Original) The cellular communications system of Claim 1 wherein said at least one cellular base station generates capacity usage information, and wherein said central station determines the available capacity based thereon.

6. (Original) The cellular communications system of Claim 1 wherein said subscription server further cooperates with said central station to provide a subscription data menu to users on respective mobile cellular communications devices, and wherein users order non-real time subscription data based upon the subscription data menu.

In re Patent Application of  
**GRIFFIN**  
Serial No. 10/784,858  
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7. (Original) The cellular communications system of Claim 1 further comprising a wide area network (WAN) connecting said subscription server to said central station.

8. (Original) The cellular communications system of Claim 1 wherein the subscription data comprises at least one of news articles, books, video game data, image data, and television programming schedule data.

9. (Original) The cellular communications system of Claim 1 wherein the subscription data comprises electronic mail (email) data.

10. (Currently amended) A cellular communications system comprising:

a plurality of mobile cellular communications devices each associated with a respective user;

at least one cellular base station for wirelessly communicating with said plurality of mobile cellular communications devices, said at least one cellular base station having a capacity associated therewith;

a central station for determining available capacity of said at least one cellular base station based upon active wireless communications with said mobile cellular communications devices; and

a subscription server for cooperating with said central station to provide non-real time subscription data to users on

In re Patent Application of  
**GRIFFIN**  
Serial No. 10/784,858  
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---

respective mobile cellular communications devices via said at least one cellular base station when the determined available capacity thereof is greater than a threshold;

said subscription server cooperating with said central station to discontinue providing subscription data based upon ~~at least one of~~ the determined available capacity falling below the threshold, and an initiation of a telephone call corresponding to a respective mobile cellular communications device receiving non-real time subscription data.

11. (Original) The cellular communications system of Claim 10 wherein said central station maintains accounts for respective users; wherein said central station charges user accounts differently for providing wireless voice communications and non-real time subscription data.

12. (Original) The cellular communications system of Claim 10 wherein said at least one cellular base station generates capacity usage information, and wherein said central station determines the available capacity based thereon.

13. (Original) The cellular communications system of Claim 10 wherein said subscription server further cooperates with said central station to provide a subscription data menu to users on respective mobile cellular communications devices, and wherein users order non-real time subscription data based upon the subscription data menu.

In re Patent Application of  
**GRIFFIN**  
Serial No. 10/784,858  
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14. (Original) The cellular communications system of Claim 10 further comprising a wide area network (WAN) connecting said subscription server to said central station.

15. (Original) The cellular communications system of Claim 10 wherein the subscription data comprises at least one of news articles, books, video game data, image data, and television programming schedule data.

16. (Original) The cellular communications system of Claim 10 wherein the subscription data comprises electronic mail (email) data.

17. (Currently amended) A subscription server for use with a cellular communications system comprising a plurality of mobile cellular communications devices each associated with a respective user, at least one cellular base station for wirelessly communicating with the plurality of mobile cellular communications devices and having a capacity associated therewith, and a central station for determining available capacity of the at least one cellular base station based upon active wireless communications with the mobile cellular communications devices, the subscription server comprising:

at least one data storage device for storing non-real time subscription data; and

In re Patent Application of  
**GRIFFIN**  
Serial No. 10/784,858  
Filed: **FEBRUARY 23, 2004**

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a controller connected to said at least one data storage device for cooperating with the central station to provide non-real time subscription data to users on respective mobile cellular communications devices via the at least one cellular base station when the determined available capacity thereof is greater than a threshold;

said controller cooperating with the central station to discontinue providing subscription data to respective mobile cellular communications devices based upon initiation of telephone calls.

18. (Original) The subscription server of Claim 17 wherein said controller cooperates with the central station to discontinue providing subscription data when the determined available capacity falls below the threshold.

19. (Cancelled).

20. (Original) The subscription server of Claim 17 wherein said controller further cooperates with the central station to provide a subscription data menu to users on respective mobile cellular communications devices, and wherein users order non-real time subscription data based upon the subscription data menu.

21. (Original) The subscription server of Claim 17 wherein the subscription data comprises at least one of news

In re Patent Application of  
**GRIFFIN**  
Serial No. 10/784,858  
Filed: **FEBRUARY 23, 2004**

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articles, books, video game data, image data, and television programming schedule data.

22. (Original) The subscription server of Claim 17 wherein the subscription data comprises electronic mail (email) data.

23. (Currently amended) A cellular communications method comprising:

determining an available capacity of at least one cellular base station based upon active wireless communications between the at least one cellular base station and a plurality of mobile cellular communications devices, the mobile cellular communications devices each being associated with a respective user; and

providing non-real time subscription data to users on respective mobile cellular communications devices via the at least one cellular base station when the determined available capacity thereof is greater than a threshold; and

discontinuing providing subscription data to respective mobile cellular communications devices based upon initiation of telephone calls.

24. (Original) The method of Claim 23 further comprising discontinuing providing subscription data when the determined available capacity falls below the threshold.

25. (Cancelled).

26. (Original) The method of Claim 23 further comprising maintaining accounts for respective users, and charging user accounts differently for providing wireless voice communications and non-real time subscription data.

27. (Original) The method of Claim 23 further comprising generating capacity usage information at that at least one cellular base station, and wherein determining comprises determining the available capacity based upon the generated capacity usage information.

28. (Original) The method of Claim 23 further comprising providing a subscription data menu to users on respective mobile cellular communications devices, and wherein users order non-real time subscription data based upon the subscription data menu.

29. (Original) The method of Claim 23 wherein the subscription data comprises at least one of news articles, books, video game data, image data, and television programming schedule data.

30. (Original) The method of Claim 23 wherein the subscription data comprises electronic mail (email) data.